

Message Text

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47

ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 SAM-01 CIAE-00 DODE-00 PM-04

H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02

SS-15 USIA-06 IO-13 DHA-02 COME-00 EB-07 LAB-04

SIL-01 /087 W

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P R 051701Z AUG 76

FM AMEMBASSY MADRID

TO SECSTATE WASHDC PRIORITY 6672

INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY COPENHAGEN

AMEMBASSY DUBLIN

AMEMBASSY THE HAGE

AMEMBASSY LISBON

AMEMBASSY LONDON

AMEMBASSY OSLO

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBSSSY STOCKHOLM

USMISSION NATO

USEC BRUSSELS

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E.O. 11652: N/A

TAGS: PINT, SP

SUBJECT: THE AMNESTY DECREE: EFFECTS AND REACTIONS

REF: MADRID 5838

1. THE ROYAL AMNESTY DECREE, WHICH WENT INTO EFFECT AUG 4 WITH ITS PUBLICATION IN THE OFFICIAL STATE GAZETTE AND APPLIES TO CRIMES COMMITTED THROUGH JULY 29, 1976, FOLLOWS LINES REPORTED REFTEL. SPECIFICALLY, THE AMNESTY EXTENDS TO:

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--POLITICAL CRIMES AND CRIMES OF OPINION, SO LONG AS THEY HAVE

NOT ENDANGERED OR INJURED OTHER PERSONS OR THE "ECONOMIC PATRIMONY THROUGH MONETARY MISDEALINGS;"
--CRIMES OF "REBELLION AND SEDITION;"
--MILITARY DESERTERS;
--CONSCIENTIOUS OBJECTOR;
--CRIMES COMMITTED WHILE SERVING A SENTENCE FOR AN AMNESTIED CRIME (E.G., ESCAPING FROM PRISON), SO LONG AS OTHER PERSONS WERE NOT "INJURED OR SLANDERED;" AND
--ADMINISTRATIVE CRIMES OF A "POLITICAL" NATURE, SO LONG AS THEY WERE NOT TAX-RELATED (INFRACCIONES TRIBUTARIAS).

2. THE DECISION AS TO WHETHER THE AMNESTY APPLIES WILL BE MADE IN EACH CASE BY THE "CORRESPONDING JUDICIAL AUTHORITY." IN EACH CASE WHERE THE AMNESTY IS JUDGED TO PERTAIN, ALL CRIMINAL RESPONSIBILITY WILL BE ANNULLED AND ALL PENAL ANTECEDENTS WILL BE STRUCK FROM THE RECORD. UNDER NO CIRCUMSTANCES, HOWEVER, WILL THERE "FINANCIAL INDEMNIFICATION OR RESTITUTION" FOR THE SENTENCES SERVED OR ADMINISTRATIVE SANCTIONS LEVIED.
--IN THE CASE OF THOSE MILITARY PERSONNEL AMNESTIED UNDER THE PROVISION RELATING TO REBELLION, SEDITION AND DESERTION, THEY WILL BE FORBIDDEN FROM RETURNING TO MILITARY SERVICE. THEY WILL, HOWEVER, BE ELIGIBLE FOR ANY RETIREMENT BENEFITS TO WHICH THEIR PERIOD OF SERVICE, UP UNTIL THE DATE OF THE AMNESTIED CRIME, WOULD OTHERWISE ENTITLE THEM.
--CIVILIAN FUNCTIONARIES COVERED BY THE AMNESTY WILL BE FREE TO RETURN TO THE POSITION FROM WHICH THEY WERE DISMISSED, IF THEY SO CHOOSE, BUT WITHOUT PROMOTION. THE COMPUTATION OF THEIR SENIORITY WILL INCLUDE THE PERIOD OF THEIR DISMISSAL, BUT THEY WILL BE ELIGIBLE FOR SALARY AND RETIREMENT BENEFITS BASED ONLY ON THEIR SERVICE UP TO THE TIME OF THEIR DISMISSAL.

3. THE FIRST NINE PRISONERS TO BE AFFECTED BY THE AMNESTY WERE RELEASED FROM MADRID'S CARABANCHEL PRISON LAST NIGHT. THE NINE-PCE LEADERS SIMON SANCHEZ MONTERO AND SANTIAGO ALVAREZ, WORKERS COMMISSIONS FIGURE JOSE UNANUE RUIZ, FIVE ETA MEMBERS AND ONE MEMBER OF THE REVOLUTIONARY COMMUNIST LEAGUE (LCR)--HAD BEEN CONVICTED OF CRIMES INVOLVING ILLEGAL ASSOCIATION AND PROPAGANDA. A FEW INDIVIDUAL FIRMS ALREADY HAVE ANNOUNCED THEIR OWN "LABOR AMNESTIES" AND THE SYNDICAL EXECUTIVE COMMITTEE, CHAIRED BY SYNDICAL RELATIONS MINISTER DE LA MATA, ANNOUNCED LIMITED OFFICIAL USE

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ON AUG 4 THAT IT IS APPLYING THE AMNESTY TO THE LABOR FIELD, AS REGARDS DISMISSALS FOR POLITICO-TRADE UNION REASONS. ACCORDING TO PRESS REPORTS, THE DIRECTORATE GENERAL OF SECURITY (DGS) AND FOREIGN MINISTRY ARE WORKING UP SPECIFIC INSTRUCTIONS CONCERNING THE ISSUANCE OF PASSPORTS TO EXILED SPANIARDS AFFECTED BY THE AMNESTY.

4. REACTION TO THE AMNESTY IN PRESS AND POLITICAL CIRCLES

CONTINUES TO BE HIGHLY POSITIVE. WHAT CRITICISM THERE IS
CENTERS ON THE DECREE'S FAILURE TO REINSTATE THE AMNESTIED
MILITARY PERSONNEL, PARTICULARLY THE UMD 9, AND TO EXTEND TO
TERRORISTS. CRITICS ALSO POINT OUT THAT THE NUMBER OF
PRISONERS AFFECTED BY THE AMNESTY REMAINS UNKNOWN, SINCE EACH
CASE MUST BE DECIDED BY THE COURTS, IN MANY CASES THE SAME
COURTS WHICH ORIGINALLY PRONOUNCED SENTENCE. THE VAST MAJORITY
OF THOSE PRISONERS NOT TOUCHED BY THE AMNESTY WILL BE BASQUES
(ONE ESTIMATE IS THAT ONLY 15 PERCENT OF BASQUE PRISONERS WILL
BE RELEASED), A FACT WHICH IS CERTAIN TO ATTENUATE THE POLITICAL
EFFECTIVENESS OF THE AMNESTY IN THE VASCONGADAS. EVEN MOST
CRITICS WILL ADMIT, HOWEVER, THAT THE AMNESTY GOES AS FAR AS
COULD BE EXPECTED UNDER PRESENT CIRCUMSTANCES AND THAT, IN
ANY EVENT, AMNESTY FOR TERRORISTS IS A HIGHLY COMPLEX CONTRO-
VERSIAL AND POTENTIALLY EXPLOSIVE ISSUE.
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